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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation  
Against:

JACOB SLAFFEY  
12819 Short Avenue  
Los Angeles, CA 90066  
Physical Therapy Assistant No. AT 4861

Respondent.

Case No. D1 1999 62326

**PETITION TO REVOKE  
PROBATION**

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (Complainant) brings this Petition to Revoke Probation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about June 6, 1997, the Physical Therapy Board of California issued Physical Therapy Assistant License Number AT 4861 to Jacob Slaffey (Respondent). Respondent's license has been in full force and effect at all times material hereto and will expire, unless renewed, on February 28, 2005.

3. In a disciplinary action entitled "In the Matter of Accusation Against Jacob Slaffey," Case No. 1D-1999-62326, the Physical Therapy Board of California, issued a decision, effective March 15, 2001, in which Respondent's Physical Therapy Assistant License Number

1 AT 4861 was revoked. However, the revocation was stayed and Respondent's assistant was  
2 placed on probation for a period of three (3) years with certain terms and conditions. A copy of  
3 that decision is attached as Exhibit A and is incorporated by reference.

#### 4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Physical Therapy  
6 Board of California (Board), Department of Consumer Affairs, under the authority of the  
7 following laws. All section references are to the Business and Professions Code unless otherwise  
8 indicated.

9 5. Section 2609 of the Code states:

10 The board shall issue, suspend, and revoke licenses and approvals to practice  
11 physical therapy as provided in this chapter.

12 6. Section 2660 of the Code states:

13 The board may, after the conduct of appropriate proceedings under the  
14 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose  
15 probationary conditions upon, or issue subject to terms and conditions any license, certificate, or  
16 approval issued under this chapter for any of the following causes:

17 (a) Advertising in violation of Section 17500.

18 (b) Fraud in the procurement of any license under this chapter.

19 (c) Procuring or aiding or offering to procure or aid in criminal abortion.

20 (d) Conviction of a crime which substantially relates to the qualifications,  
21 functions, or duties of a physical therapist. The record of conviction or a certified  
22 copy thereof shall be conclusive evidence of that conviction.

23 (e) Impersonating or acting as a proxy for an applicant in any examination  
24 given under this chapter.

25 (f) Habitual intemperance.

26 (g) Addiction to the excessive use of any habit-forming drug.

27 (h) Gross negligence in his or her practice as a physical therapist.

28 (i) Conviction of a violation of any of the provisions of this chapter or of

1 the State Medical Practice Act, or violating, or attempting to violate, directly or  
2 indirectly, or assisting in or abetting the violating of, or conspiring to violate any  
3 provision or term of this chapter or of the State Medical Practice Act.

4 (j) The aiding or abetting of any person to violate this chapter or any  
5 regulations duly adopted under this chapter.

6 (k) The aiding or abetting of any person to engage in the unlawful practice  
7 of physical therapy.

8 (l) The commission of any fraudulent, dishonest, or corrupt act which is  
9 substantially related to the qualifications, functions, or duties of a physical  
10 therapist.

11 (m) Except for good cause, the knowing failure to protect patients by  
12 failing to follow infection control guidelines of the board, thereby risking  
13 transmission of blood-borne infectious diseases from licensee to patient, from  
14 patient to patient, and from patient to licensee. In administering this subdivision,  
15 the board shall consider referencing the standards, regulations, and guidelines of  
16 the State Department of Health Services developed pursuant to Section 1250.11 of  
17 the Health and Safety Code and the standards, regulations, and guidelines  
18 pursuant to the California Occupational Safety and Health Act of 1973 (Part 1  
19 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing  
20 the transmission of HIV, Hepatitis B, and other blood-borne pathogens in health  
21 care settings. As necessary, the board shall consult with the Medical Board of  
22 California, the California Board of Podiatric Medicine, the Board of Dental  
23 Examiners of California, the Board of Registered Nursing, and the Board of  
24 Vocational Nursing and Psychiatric Technicians, to encourage appropriate  
25 consistency in the implementation of this subdivision.

26 The board shall seek to ensure that licensees are informed of the  
27 responsibility of licensees and others to follow infection control guidelines, and of  
28 the most recent scientifically recognized safeguards for minimizing the risk of

transmission of blood-borne infectious diseases.

7. Section 2661.5 of the Code states:

(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.

(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.

(f) All costs recovered under this section shall be deposited in the

Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Pay Probation Monitoring Costs)

8. At all times after the effective date of Respondent's probation, Condition 22 stated:

All costs incurred by the Board for probation monitoring during the entire period of probation shall be reimbursed by respondent.

9. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 22, referenced above. The facts and circumstances regarding this violation are as follows:

a. On or about June 7, 2000, the Board billed respondent \$99.00 for probation monitoring costs for the period January 1, 2001, through March 31, 2001. A check from respondent in the amount of \$99.00 was received by the Board and deposited on or about July 9, 2001.

b. On or about August 29, 2001, the Board billed respondent \$350.00 for probation monitoring costs for the period April 1, 2001, through June 30, 2001. A check from respondent in the amount of \$350.00 was received by the Board on or about January 23, 2002 and deposited per respondent's request on or about February 10, 2002.

c. On or about April 18, 2002, the Board billed respondent \$295.00 for probation monitoring costs for the period October 1, 2001, through December 31, 2001. A check from respondent in the amount of \$295.00 was received by the Board on or about August 22, 2002 and deposit was attempted per respondent's request on or about October 1, 2002. The check was not honored due to insufficient funds. Respondent subsequently stated that he had put a stop payment order on the check but had failed to so advise the Board. On or about April 15, 2003, the Board received a money order in the amount of \$240.00 which was applied to the April 18, 2002, billing.

d. On or about July 2, 2002, the Board billed respondent \$350.00 for

1 probation monitoring costs for the period January 1, 2002, through March 31, 2002. A  
2 money order from respondent in the amount of \$350.00 was received by the Board on or  
3 about July 22, 2003, and deposited. This amount was applied to respondent's outstanding  
4 probation monitoring costs.

5 e. On or about December 9, 2002, the Board billed respondent  
6 \$350.00 for probation monitoring costs for the period July 1, 2002, through September  
7 30, 2002.

8 f. On or about March 27, 2002, the Board billed respondent \$350.00  
9 for probation monitoring costs for the period October 1, 2002, through December 31,  
10 2002.

11 g. On or about June 9, 2003, the Board billed respondent \$350.00 for  
12 probation monitoring costs for the period January 1, 2003, through March 31, 2003.

13 h. On or about December 17, 2003, the Board by letter advised  
14 respondent that he owed the Board \$1695.00 in probation monitoring costs.

15 i. On or about January 5, 2004, the Board by letter advised  
16 respondent that he was not in compliance with his probation monitoring cost payments  
17 and gave him until January 30, 2004, to come into compliance by paying the outstanding  
18 balance or face action to terminate probation and revoke his license.

19 j. On or about January 14, 2004, the Board's probation monitor met  
20 with respondent and advised him that he was not in compliance with his probation  
21 monitoring cost payments and gave him until January 30, 2004, to come into compliance  
22 by paying the outstanding balance or face action to terminate probation and revoke his  
23 license. Respondent stated that he could not make the lump payment but promised to pay  
24 \$325.00 per week. This promise was not accepted as compliance with the Board's  
25 demand for payment of the outstanding probation monitoring costs. On or about  
26 February 3, 2004, the Board received a money order from respondent in the amount of  
27 \$200.00. The Board has not received any other payments since on date.

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1 respondent that he was not in compliance with his investigative and prosecutorial cost  
2 recovery payments and gave him until January 30, 2004, to come into compliance by  
3 paying the outstanding balance or face action to terminate probation and revoke his  
4 Physical Therapy Assistant License Number AT 4861.

5 g. On or about January 14, 2004, the Board's probation monitor met  
6 with respondent and advised him that he was not in compliance with his investigative and  
7 prosecutorial cost recovery payments and gave him until January 30, 2004, to come into  
8 compliance by paying the outstanding balance or face action to terminate probation and  
9 revoke his Physical Therapy Assistant License Number AT 4861. Respondent stated that  
10 he could not make the lump payment but promised to pay \$325.00 per week. This  
11 promise was not accepted as compliance with the Board's demand for payment of the  
12 outstanding investigative and prosecutorial cost recovery. On or about February 3, 2004,  
13 the Board received a money order from respondent in the amount of \$200.00, as set forth  
14 in paragraph 9.j. above. The Board has not received any other payments since that date.

### 15 THIRD CAUSE TO REVOKE PROBATION

16 (Failure to Inform Probation Monitor of Change in Employment)

17 12. At all times after the effective date of Respondent's probation, Condition  
18 30 stated:

19 If respondent changes employment or obtains additional employment, the  
20 respondent shall provide written confirmation to the Board within 10 days  
21 including the name, address and phone number of the employer and work  
22 location.

23 13. Respondent's probation is subject to revocation because he failed to  
24 comply with Probation Condition 30, referenced above. The facts and circumstances regarding  
25 this violation are as follows:

26 a. On or about October 24, 2002, respondent provided to the Board's  
27 probation monitor an October 23, 2002, letter from CPR Therapists acknowledging  
28 receipt from respondent of a copy of his probation order. Respondent, who had not



1 previously informed the Board that he was employed by CPR Therapists, stated that he  
2 had been working for CPR Therapists for about one year, working once or twice a month.  
3 Respondent acknowledged that he had not timely advised the Board as required by the  
4 terms of his probation order.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
7 alleged, and that following the hearing, the Physical Therapy Board of California issue a  
8 decision:

9 1. Revoking the probation that was granted by the Physical Therapy Board of  
10 California in Case No. 1D-1999-62326 and imposing the disciplinary order that was stayed  
11 thereby revoking Physical Therapy Assistant No. AT 4861 issued to Jacob Slaffey;

12 2. Ordering Jacob Slaffey to pay the Physical Therapy Board of California  
13 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
14 Professions Code section 2661.5;

15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: March 12, 2004 .

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18  
19 Original Signed By:  
20 STEVEN K. HARTZELL  
21 Executive Officer  
22 Physical Therapy Board of California  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

23 LA2004600427  
24 Slaffey Petition to Revoke.wpd

**Exhibit A**

**Decision and Order**

**Physical Therapy Board of California Case No. 1D 1999 62326**